

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
Petition for Emergency Relief)	
Due to COVID-Related Delays in)	GN Docket No. 21-304
3G Sunset Transition for Central)	
Station Alarm Subscribers)	

REPLY COMMENTS OF NEXT CENTURY CITIES

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Introduction

Next Century Cities (“NCC”)¹ respectfully submits these reply comments in response to the Federal Communication Commission’s public notice seeking comment on the Alarm Industry Communications Committee’s (“AICC”) Petition for Emergency Relief filed on May 10, 2021 (“AICC Petition”).²

The ongoing transition from 3G wireless networks to 4G and 5G networks is necessary. However, the Commission must ensure the transition does not disconnect consumers that depend on 3G connected devices. As the AICC has stated, 3G wireless networks are used by central station alarm and personal emergency alert services. If these devices are disconnected, vulnerable consumers relying on these technologies could be harmed.

¹ Next Century Cities (“NCC”) is a nonprofit nonpartisan 501(c)(3) coalition of over 200 member municipalities that works collaboratively with local leaders to ensure reliable and affordable broadband access for every community.

² See Petition of the Alarm Industry Communications Committee for Emergency Relief, GN 21-304, at 2 (filed May 10, 2021), <https://ecfsapi.fcc.gov/file/108170823729015/AICC%20Petition%20for%20Emergency%20Relief%205-10-21%20FINAL.pdf> (AICC petition).

There is support in the docket and NCC agrees that the Commission has and should exercise its authority to mediate conflicts that arise as parties switch from 3G to 4G and 5G networks.

Mediation helps to ensure smooth transitions while mitigating consumer harms.

The Docket Supports the Conclusion That an Unmediated Shut-Down of 3G Wireless Networks Would Harm Vulnerable Consumers

Wireless 3G networks remain an integral part of the United States' telecommunications ecosystem. As commenters point out, between 15 and 20% of wireless users are still reliant on 3G services for wireless services.³ Low adoption rates for next generation wireless technologies have left millions of Americans reliant on 3G wireless service.⁴ The absence of 4G/5G signal availability or the use of legacy hardware not supporting 4G/5G connectivity contributes to the lack of adoption. Many low-income or rural households may also turn to 3G hotspots in order to connect their devices to the Internet.⁵

Further, the Commission has highlighted the importance of connecting those in crisis situations to emergency response resources through its creation of a three-digit number for the National Suicide Prevention Lifeline.⁶ A 3G wireless signal may be the only link that some consumers have to emergency responders. Also, localities are reliant on voice and text-based services to notify their communities of information surrounding natural disasters and other emergencies. For

³ Comments of Public Knowledge, Access Humboldt, The Benton Institute for Broadband and Society, The Center for Rural Strategies, and The Open Technology Institute at New America at 3 (PK et al. Comments).

⁴ *Id.* at 3-4.

⁵ See Hannah Frishberg, 3G Could End This Year. For People Who Rely on Basic Phones, That's a Big Problem, OneZero (Feb. 2, 2021), <https://onezero.medium.com/3g-could-end-this-year-for-people-who-rely-on-basic-phones-thats-a-big-problem-102e53eba151>.

⁶ Federal Communications Commission, *Suicide Prevention Hotline*, <https://www.fcc.gov/suicideprevention-hotline> (last visited Apr. 11, 2021).

example, after the 2018 California wildfires, the California Public Utilities Commission found that 80% of calls placed to 911 originated from a wireless device.⁷

In its opposition, AT&T claims that AAIC has provided no basis for its assertion that delaying the 3G sunset would prevent harms aside to its profit margins.⁸ However, this is patently false. There is no justification for the risk of disconnecting households that need 3G service to reach potentially lifesaving emergency responders, especially in order to expedite the rollout of a new technology that everyone is unable to benefit from.⁹

In addition, other commenters have explained why a reckless shutdown of 3G networks could have wide ranging implications outside of the alarm and wireless industries.¹⁰ For instance, many new vehicles are manufactured with cellular technology that enables connected services.¹¹ However, as commenters have highlighted, most vehicles on the road today are over 10 years old,¹² which means that many connected vehicles are not enabled with 4G/5G capabilities. These vehicles cannot easily be upgraded. A premature sunset of 3G networks could raise significant safety concerns for drivers of these vehicles.

The Commission must take into consideration the millions of people who are at risk of being disconnected by an untimely shutdown of 3G wireless networks. A disproportionate burden will likely fall on the low-income and elderly populations nationwide, who constitute the bulk of

⁷ See Ryan Johnston, Communities Responding to Natural Disasters Through Network Resilience at 3 (2021), <https://nextcenturycities.org/wp-content/uploads/March-2021-Publication--Network-ResiliencePaper-by-Ryan-Johnston--Final-Publication-1.pdf>.

⁸ Opposition of AT&T at 12.

⁹ AICC Petition at 2.

¹⁰ See Comments of The Alliance for Automotive Innovation at 2.

¹¹ *Id.*

¹² *Id.*

remaining 3G users.¹³ As old technologies are replaced by new ones, all consumers should be able to enjoy uninterrupted connectivity and provided adequate transition time.

The Docket Clearly Evidences the Commission’s Authority to Mediate the Shutdown of 3G Wireless Networks.

As commenters have discussed, the FCC has the authority to intervene in the shutdown of 3G wireless networks.¹⁴ Further, commenters rightly point out that courts have previously recognized the Commission's general authority.

Under Sections 1 and 4(i) of the Communications Act, the Commission has authority to protect consumers from loss of vital services.¹⁵ Section 1 highlights one of the foundational purposes of the Communications Act – to promote the safety of life and property through the use of wire and radio communications.¹⁶ The Commission was created for a similar purpose.¹⁷ Here, the AICC has asked the Commission to exercise this authority to help it address a significant hurdle in its upgrade of home safety and alarm equipment.¹⁸ This is a prime example of the promotion of the safety of life and property to which the Commission has been tasked with promoting.

The Commission has previously intervened in technology transitions to protect the public interest. Namely, the Commission has intervened during the wireless analog sunset and the digital television transition. During these transitions, the Commission set and extended deadlines

¹³ Comments of AARP at 2-3.

¹⁴ PK et al. at 12-13.

¹⁵ *Id.*

¹⁶ AICC Petition at ii.

¹⁷ 47 U.S.C § 151.

¹⁸ *Id.*

and required the temporary continuation of legacy services when it was in the public interest. Similarly, here, the Commission should further investigate whether current 3G network shutdown timetables prevent public harm.

Many low-income, elderly, alarm system owners, and vehicle manufacturers are now combatting a slowed ability to make necessary upgrades. The Commission risks disconnecting an untold number of consumers if it does not reassess whether the current deadlines provide adequate transition time.

Conclusion

As consumers are migrated from 3G to 4G/5G enabled devices, the Commission must guarantee that vulnerable populations will not be purposefully or inadvertently disconnected. As such, the Commission must step in to ensure that the wireless 3G sunset does not present an undue public interest harm. Next Century Cities agrees that the ongoing transition from 3G to 4G/5G is necessary. Doing so requires a concrete plan for transition that allows everyone to stay connected.